

Assembly Bill No. 1088

CHAPTER 689

An act to amend Section 8310.5 of, and to add Section 8310.7 to, the Government Code, relating to state agencies.

[Approved by Governor October 9, 2011. Filed with
Secretary of State October 9, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, Eng. State agencies: collection of demographic data.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for each major Asian and Pacific Islander group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian.

This bill would revise and recast the specified categories. This bill would require a state agency, board, or commission that directly or by contract collects demographic data to include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of California residents that it publishes or releases on or after July 1, 2012.

This bill would require specified agencies to use additional separate collection categories and tabulations for other major Asian groups and Native Hawaiian and other Pacific Islander groups, including, but not limited to, Asian Indian, Bangladeshi, Cambodian, Chinese, Filipino, Hmong, Indonesian, Japanese, Korean, Laotian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, Vietnamese, Fijian, Hawaiian, Guamanian, Samoan, and Tongan. This bill would also require these agencies to update their data collection categories to match those used by the United States Census Bureau. This bill would further require these agencies to make the collected data available to the public, in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential, by requiring these state agencies, on or before July 1, 2012, to post, and annually update, the demographic data on their Internet Web sites.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) One-third of the nation's Asian Americans as well as Native Hawaiians and other Pacific Islanders, totaling 5.4 million people, live in California, making the state home to more Asian Americans as well as

Native Hawaiians and other Pacific Islanders than any other state in the nation.

(b) Asian Americans as well as Native Hawaiians and other Pacific Islanders represent 15.5 percent of the state's population, growing by nearly 34 percent from 2000 to 2010.

(c) Asian Americans as well as Native Hawaiians and other Pacific Islanders are an incredibly diverse group. Due to this diversity, the United States Office of Management and Budget's Statistical Policy Directive No. 15, entitled Race and Ethnic Standards for Federal Statistics and Administrative Reporting, separated the "Asian and Pacific Islander" category into two distinct and separate categories, now called "Asians" and "Native Hawaiians and Other Pacific Islanders," and these two distinct categories were used in the 2000 United States Census. The United States Census Bureau currently reports data for more than 20 different ethnicities within these two categories.

(d) While Asian Americans as well as Native Hawaiians and other Pacific Islanders are often misrepresented as a homogeneous group, they are an extremely diverse group, with ethnicities from over 30 different countries. Although Asian American as well as Native Hawaiian and other Pacific Islander communities in this state share geographical and cultural commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their respective communities.

(e) Existing state law requires state demographic data to be collected for Asian and some Native Hawaiian and Pacific Islander ethnic groups. However, additional ethnic groups reported by the United States Census Bureau are not included that reflect changing demographics and intrastate migration patterns. Most state agencies are currently not in compliance with existing state law or have not made the collected data accessible. Data should be updated on a regular basis and made accessible to the public so that regional and local governments, elected officials, decisionmakers, and other stakeholders can use the information to strategically target programs for those most in need.

(f) Given the diversity of languages and cultures, separating data for additional Asian and additional Native Hawaiian and Pacific Islander ethnic groups and making the data publicly accessible are critical for enhancing our state's understanding of the needs and experiences of these different communities.

SEC. 2. Section 8310.5 of the Government Code is amended to read:

8310.5. (a) A state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians shall use separate collection categories and tabulations for the following:

(1) Each major Asian group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, and Cambodian.

(2) Each major Pacific Islander group, including, but not limited to, Hawaiian, Guamanian, and Samoan.

(b) The data collected pursuant to the different collection categories and tabulations described in subdivision (a) shall be included in every demographic report on ancestry or ethnic origins of Californians by the state agency, board, or commission published or released on or after July 1, 2012. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential.

SEC. 3. Section 8310.7 is added to the Government Code, to read:

8310.7. (a) This section shall only apply to the following state agencies:

- (1) The Department of Industrial Relations.
- (2) The Department of Fair Employment and Housing.

(b) In addition to the duties imposed under Section 8310.5, the state agencies described in subdivision (a), in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of California residents, shall collect and tabulate data for the following:

(1) Additional major Asian groups, including, but not limited to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.

(2) Additional major Native Hawaiian and other Pacific Islander groups, including, but not limited to, Fijian and Tongan.

(c) The state agencies identified in subdivision (a) shall make any data collected pursuant to subdivision (a) publicly available, except for personal identifying information, which shall be deemed confidential, by posting the data on the Internet Web site of the agency on or before July 1, 2012, and annually thereafter. This subdivision shall not be construed to prevent any other state agency from posting data collected pursuant to subdivision (a) on the agency's Internet Web site, in the manner prescribed by this section.

(d) The state agencies identified in subdivision (a) shall, within 18 months after the decennial United States Census for the year 2020 is released to the public, update their data collection to reflect the additional Asian groups and additional Native Hawaiian and Pacific Islander groups as they are reported by the United States Census Bureau.